

L-SE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE			
Topographic	Moos, Inc. Cady	4-11-70	1" = 200'	BELMONT	N. W. 2-G
			DATE OF PHOTOGRAPHY APRIL 1953		
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA					

20-11-70

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1738 Gordon Ave

See pages 5 & 6 of the CHECKLIST for additional required information.

Subdivision name: Belmont Heights

Plat book # folio # 39 sections

OWNER: Mr Jeff Hammer

EDWARD

AVE.

EX. HOUSE

LOT 33

NORTHERLY 295.90'

PIPE LAYOUT

LOT 34

PROPOSED
(26x40')
#1738

LOT 40

236.12'

EXISTING
#1736

LOT 41

SOUTHERLY 326.20'

57.5' E 28.5' S

57.5' E 28.5' S

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1738 GORDON

GORDON RD

HILL

GORDON

BELMONT

1738 GORDON

Vicinity Map
Scale: 1"=100'

LOCATION INFORMATION

tion District: 1ST

nealmatic District: 1ST

30' scale map: NW 2-6

10: DR 3.5

ize: 0.34 15000

acres square feet

SEWER: ☒ ☐ ☐ ☐

WATER: ☒ ☐ ☐ ☐

Chesapeake Bay Critical Area: ☐ ☐ ☐ ☒

Prior Zoning Hearings: ☐ ☐ ☐ ☐

Zoning Office USE ONLY!

reviewed by: RT ITEM #: 408 CASE#:

North

date: 4/2/94

prepared by: JP

Scale of Drawing: 1"= 50

94-425-A



Item Number: 408
Planner: RT
Date Filed: 4-26-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

Descriptions, including accurate beginning point
Actual address of property
Zoning
Acreage
Plats (need 12, only submitted)
200 scale zoning map with property outlined
Election district
Councilmanic district
SUZA section information and/or wording
Hardship/practical difficulty information
Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
Power of attorney or authorization for person signing for legal owner and/or contract purchaser
Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

TO: PUTNEY PUBLISHING COMPANY
May 12, 1994 Issue - Jeffersonian

Please forward billing to:

Jeff Harmon
1738 Gordon Avenue
Baltimore, Maryland 21204
290-2380

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-425-A (Item 408)
1738 Gordon Avenue
W/S Gordon Avenue, 375' W of c/l Edwards Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Jeffrey M. Harmon and Tracey E. Harmon
HEARING: FRIDAY, JUNE 10, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; and a combined side yard setback of 15 feet in lieu of the required 25 feet.

LAWRENCE E. SCHWEDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAY 5, 1994

(410) 887-3353

NOTICE OF HEARING

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Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; and a combined side yard setback of 15 feet in lieu of the required 25 feet.

Arnold Jablon
Director

cc: Jeffrey and Tracey Harmon

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 11, 1994

(410) 887-3353

Mr. and Mrs. Jeffrey M. Harmon
1738 Gordon Avenue
Baltimore, Maryland 21244

RE: Case No. 94-425-A, Item No. 408
Petitioner: Jeffrey M. Harmon, et ux.
Petition for Variance

Dear Mr. and Mrs. Harmon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 26, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 16, 1994
Item No. 408

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for this site it will be subject to the Development Regulations, Divisions #3, 4 and 5 for a minor subdivision. See Item #407 (#1738 Gordon Avenue).

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-6-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 408 (RT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. ENEMY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 18, 1994
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Amy L. Kern

PK/JL:lw

ZAC.401/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 403, 404, 405, 407, 408, 409, 410, 412, 413, AND 416.

RECEIVED
MAY 6 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Optimum Ink
on Recycled Paper

IN RE: PETITION FOR VARIANCE
N/S Gordon Avenue, 310' and 375'
W of the c/l of Edwards Avenue
(1738 and 1736 Gordon Avenue)
1st Election District
1st Councilmanic District
Jeffrey M. Harmon, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 94-424-A and
94-425-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 1738 and 1736 Gordon Avenue, located in the Belmont Heights subdivision in western Baltimore County. The Petitions were filed by the owners of the properties, Jeffrey M. and Tracey E. Harmon. In Case No. 94-424-A, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue. In Case No. 94-425-A, the Petitioners seek relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a front lot width of 52.5 feet in lieu of the required 70 feet, and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petition were Jeffrey M. Harmon, owner of the properties, and John Harmon. There were no Protestants present.

Testimony and evidence presented revealed that both properties consist of 0.34 acres each, more or less, zoned D.R. 3.5. The property

known as 1738 Gordon Avenue is presently unimproved. The Petitioners are desirous of developing this lot with a one-story dwelling for Mr. Harmon's parents. However, because the width of the lot in the front portion of the site is only 52.5 feet, the requested variance from lot width requirements is necessary. Testimony indicated that the Petitioners discussed their plans to develop this lot with their neighbors and that no one had any objections. Further testimony revealed that the Petitioners reside on the adjacent property, known as 1736 Gordon Avenue, which is also 52.5 feet wide. The variance relief sought for this property is necessary in order to legalize existing conditions on the site. It should be noted that there was no opposition to the relief requested, nor were there any adverse comments received from any Baltimore County reviewing agency.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

It is clear from the testimony that if the variances are granted, the use proposed will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare and are in strict harmony with the spirit and intent of the B.C.Z.R. Furthermore, there were no adverse comments from any of the County reviewing agencies nor was there any opposition to the relief requested in both instances.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1994 that the Petition for Variance in Case No. 94-424-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

- 3 -

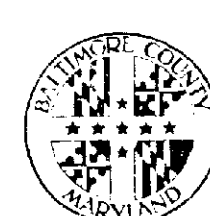
IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-425-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TWK:bjs

Timothy W. Kotroco
TIMOTHY W. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 4 -



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1736 Gordon Ave
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 to permit a front lot width of 52.5 ft. in lieu of the required 70 ft. and a combined side yard setback of 15 ft. in lieu of required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Lot is 52 ft wide
Must be 70 FT

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner

(Type or Print Name)

Signature

Address

City

State

Zip Code

Witness for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

(Type or Print Name)

Signature

Address

City

State

Zip Code

Witness for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

ESTIMATED LENGTH OF HEARING

the following date

ALL OTHER

PRINTED BY: R.T. DATE: 6-26-94

ITEM 408

EXAMPLE 3 - Zoning Description

- 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1738 Gordon Ave
(address)
Election District 2ST Councilmanic District 1ST

Beginning at a point on the North side of Gordon Ave
(north, south, east or west) (street on which property fronts) which is 20 FT
(number of feet of right-of-way width)

wide at a distance of 375 West of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Edwards Ave
(name of street)

which is 20 FT wide. *Being Lot # 40
(number of feet of right-of-way width)

Block Below Heights Section # 1 in the subdivision of
(name of subdivision) as recorded in Baltimore County Plat

Book # 15000 Folio # 1, containing
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber MD Folio 71244" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

ITEM 408

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 6/21/94

Posted for: Variance

Petitioner: J. M. & T. E. Harmon

Location of property: 1736 Gordon Ave, N/S, 375' W of Edwards Ave

Location of Sign: Posting road sign, on property being zoned

Remarks:

Posted by: Jeffrey M. Harmon Date of return: 6/23/94

Number of Signs: 1

NOTICE OF HEARING

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Case: 94-425-A (Item 408)
1736 Gordon Avenue, 375' W of Edwards Avenue
1st Election District
1st Councilmanic District
Petitioners: Jeffrey M. Harmon and Tracey E. Harmon
Hearing Friday, June 10, 1994 at 5:00 a.m. in Room 106, County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet, and a combined side yard setback of 15 feet in lieu of the required 25 feet.

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held on Wednesdays, for special circumstances. Please call 887-3553.

(2) For information concerning the hearing, please call 887-3553.

CERTIFICATE OF PUBLICATION

94-425-A

TOWSON, MD., 5/12, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12, 1994.

THE JEFFERSONIAN,
A. Hemminger
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 4-26-94

J. HARMON

1736 Gordon Ave.

CIO - VARIANCE - \$150.00
OSD - SIGN - \$135.00
TOTAL - \$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

01A01W0215M.CHKC \$95.00

BA 001250PM04-26-94

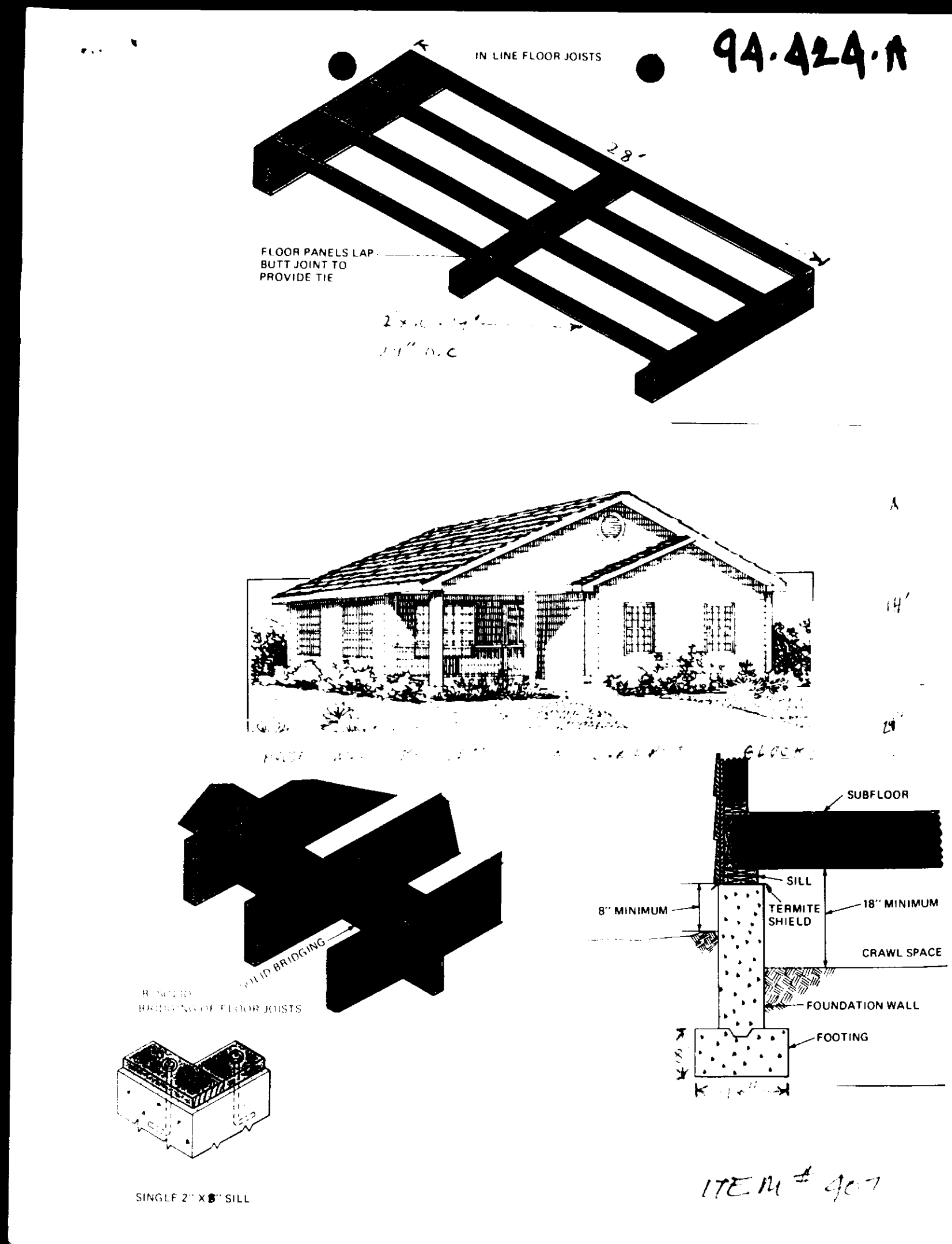
Q4.42A.A



L-SE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
Topographic	Maps, 4-11-70 Inc. L-SE	1" = 200'	BELMONT	N. W.
Topography Compiled By Photogrammetric Methods		DATE OF PHOTOGRAPHY APRIL 1953	ITEM # 407	2-G
AERO SERVICE CORPORATION - PHILADELPHIA, PA.				



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1738 Gordon Ave

Subdivision name: Belmont Heights

plat book # , folio # , date #

OWNER: Mr. Jeff Harmon

LOT 33

LOT 39

LOT 40

LOT 41

NORTHERLY 295.90'

PROPOSED (28x40') # 1738

236'±

SOUTHERLY 326.20'

VACANT LOT

94-424-A

Scale of Drawing: 1" = 50'

North

date: 1/2/94

prepared by: [signature]

LOCATION INFORMATION

tion District: 1ST

ollmanic District: 1ST

30' scale map: NW 2-6

19: DR 3.5

ize: 13,000 square feet

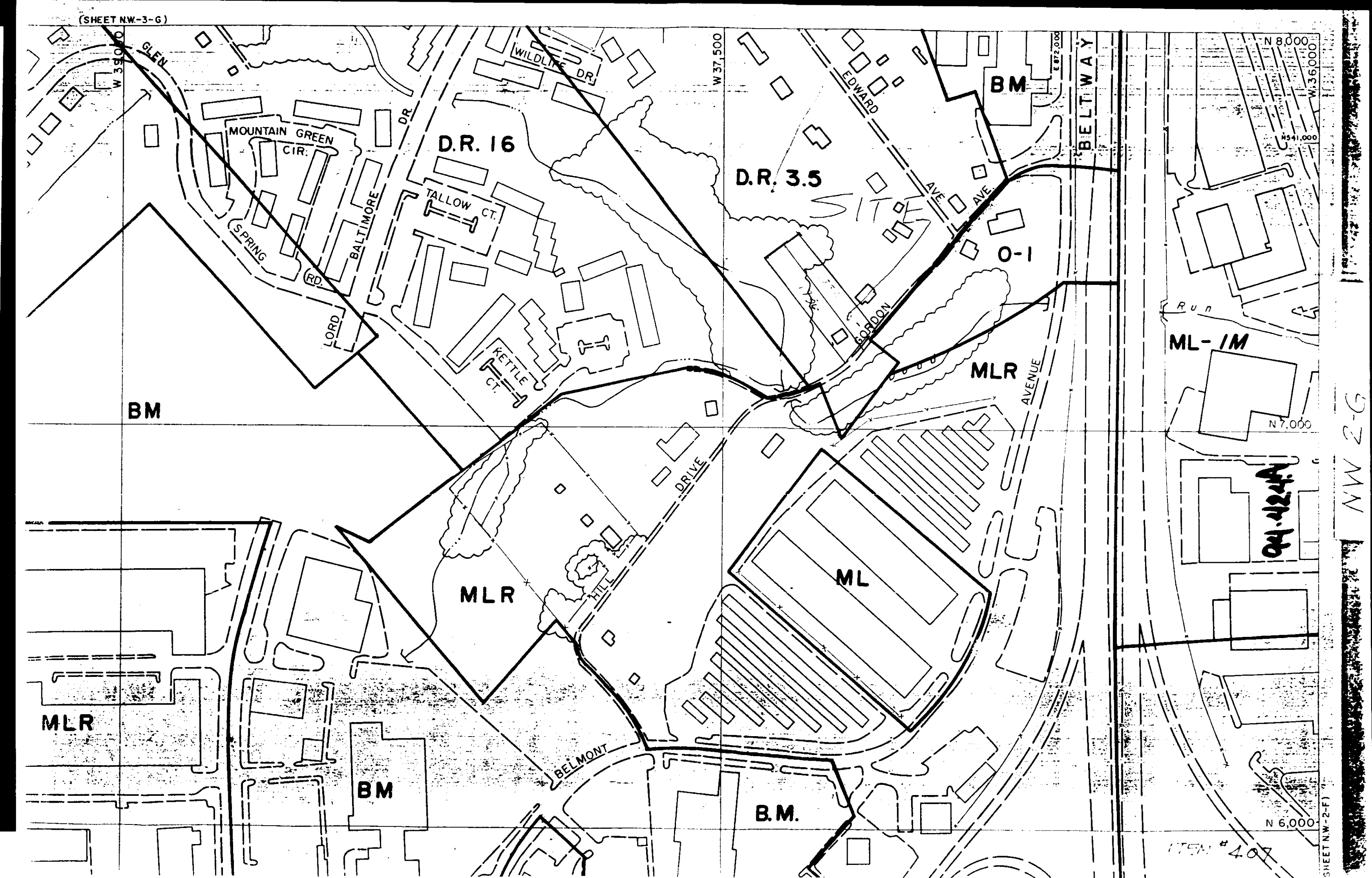
SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: ☐

Zoning Office USE ONLY!

reviewed by: R.T. ITEM #: 407 CASE#:



94-424-A receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Account: R01-6150
Number: 407
RT.

Date: 4-26-94
J. HARMON
1738 Gordon Ave.

CIO - VARIANCE - \$ 50.00
CSO - PLAN - \$ 35.00
TOTAL - \$ 85.00

0140140021CNICHR
6-4 P01250P004-26-94
\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

94-424-A

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 407-4408
Petitioner: JEFF HARMON
Location: 1738 Gordon Ave
PLEASE FORWARD ADVERTISING BILL TO:
NAME: JEFF HARMON
ADDRESS: 1738 Gordon Ave
Baltimore Maryland 21204
PHONE NUMBER: 410-298-2380

MUST BE SUPPLIED

94-424-A

Item Number: 407
Planner: RT
Date Filed: 4-26-94

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Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acres
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
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- Councilmanic district
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- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PEP-FLAG (TEXTSOPH)
11/17/93

94-424-A

TO: PETITIONER PUBLISHING COMPANY
May 12, 1994 Issue - Jeffersonian

Please forward billing to:
Jeff Harmon
1738 Gordon Avenue
Baltimore, Maryland 21204
298-2380

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-424-A (Item 407)
1738 Gordon Avenue
W/S Gordon Avenue, 310' W of c/a Edwards Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Jeffrey M. Harmon and Tracey E. Harmon
HEARING: FRIDAY, JUNE 10, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; a side yard setback of 12 feet in lieu of the required 15 feet; and to approve an undersized lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, PLEASE CALL 887-3391.

94-424-A

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

MAY 5, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-424-A (Item 407)
1738 Gordon Avenue
W/S Gordon Avenue, 310' W of c/a Edwards Avenue
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Petitioner(s): Jeffrey M. Harmon and Tracey E. Harmon
HEARING: FRIDAY, JUNE 10, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; a side yard setback of 12 feet in lieu of the required 15 feet; and to approve an undersized lot.

Arnold Jablon
Director

cc: Jeffrey and Tracey Harmon

ATTN: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

94-424-A

Baltimore County Government
Fire Department
760 East Joppa Road Suite 901
Towson, MD 21206-5500 (410) 887-4500

DATE: 05/05/94

Arnold Jablon
Director
Zoning Administration
and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 603,604,605,607,608, 609,610,612,613, AND 616.

RECEIVED
MAY 6 1994
ZADM

REVIEWER: LT. ROBERT P. ZAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

94-424-A

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Eileen McDaniel
County Courts Bldg, Rm 406
401 Bayley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Jeffrey Mark Harmon 1738 Gordon Ave 410-298-2380

Lot Address: Same Election District: 357 Council District: 357 Square Feet: 1500

Lot Location: 1738 W / side / corner of Gordon Ave, 310 feet from E E corner of Edwards Ave

Lead Owner: Jeffrey Mark Harmon Text Account Number: 01-07-290310

Address: 1738 Gordon Ave Telephone Number: 410-298-2380

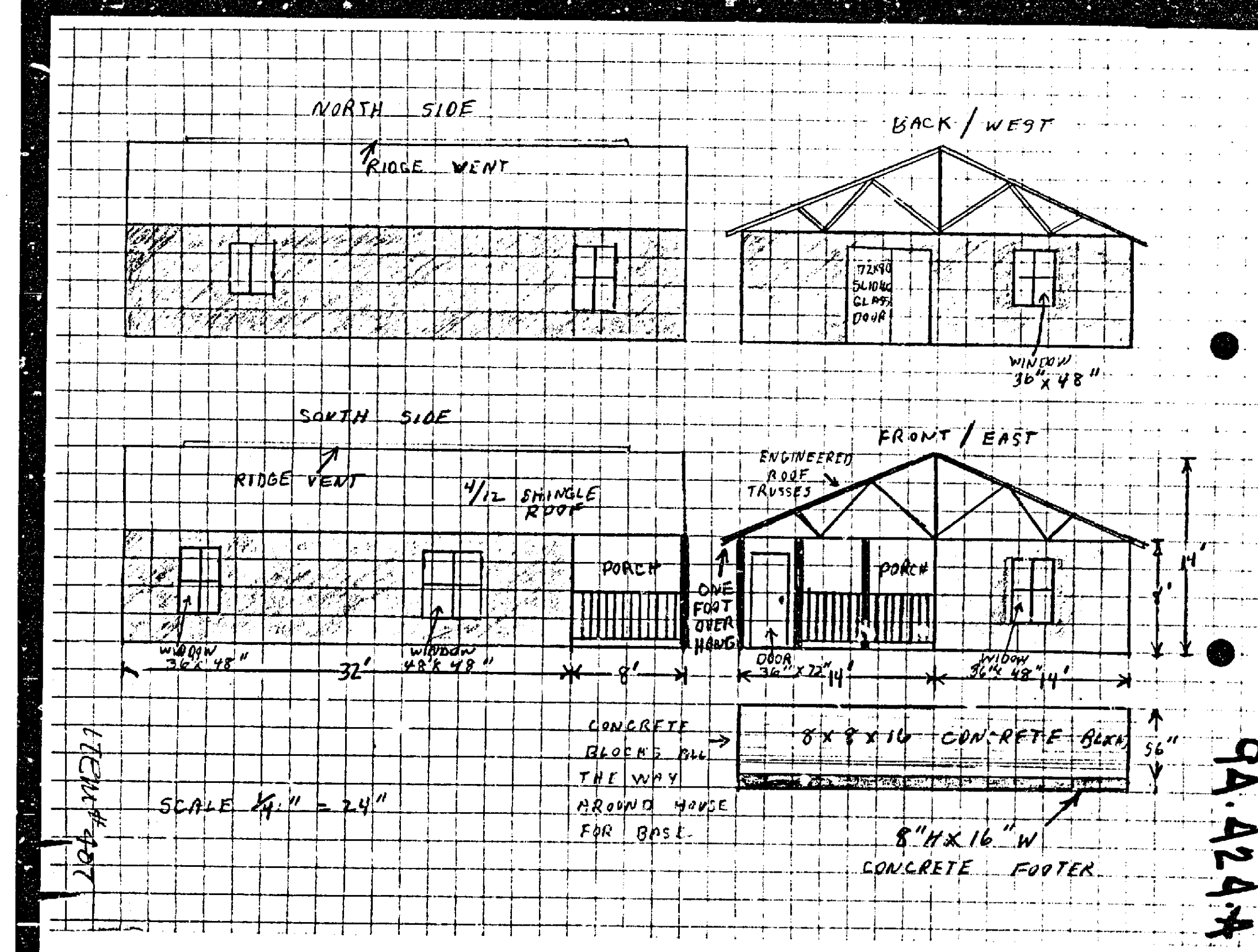
CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO
1. This Recommendation Form (3 copies)	✓	
2. Permit Application	✓	
3. Site Plan	✓	
Property (3 copies)	✓	
Topo Map (available in file 204 C.B.3) (2 copies)	✓	
4. Building Elevations Drawings	✓	
5. Photographs (taken latest at photos taken)	✓	
Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

RECOMMENDATIONS/COMMENTS:

Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed By: For the Director, Office of Planning & Zoning Date:



IN RE: PETITION FOR VARIANCE
N/S Gordon Avenue, 310' and 375'
W of the c/l of Edwards Avenue
(1738 and 1736 Gordon Avenue)
1st Election District
1st Councilmanic District
Jeffrey M. Harmon, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 94-424-A and
94-425-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 1738 and 1736 Gordon Avenue, located in the Belmont Heights subdivision in western Baltimore County. The Petitions were filed by the owners of the properties, Jeffrey M. and Tracey E. Harmon. In Case No. 94-424-A, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue. In Case No. 94-425-A, the Petitioners seek relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a front lot width of 52.5 feet in lieu of the required 70 feet, and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petition were Jeffrey M. Harmon, owner of the properties, and John Harmon. There were no Protestants present.

Testimony and evidence presented revealed that both properties consist of 0.34 acres each, more or less, zoned D.R. 3.5. The property

known as 1738 Gordon Avenue is presently unimproved. The Petitioners are desirous of developing this lot with a one-story dwelling for Mr. Harmon's parents. However, because the width of the lot in the front portion of the site is only 52.5 feet, the requested variance from lot width requirements is necessary. Testimony indicated that the Petitioners discussed their plans to develop this lot with their neighbors and that no one had any objections. Further testimony revealed that the Petitioners reside on the adjacent property, known as 1736 Gordon Avenue, which is also 52.5 feet wide. The variance relief sought for this property is necessary in order to legalize existing conditions on the site. It should be noted that there was no opposition to the relief requested, nor were there any adverse comments received from any Baltimore County reviewing agency.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

- 2 -

It is clear from the testimony that if the variances are granted, the use proposed will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare and are in strict harmony with the spirit and intent of the B.C.Z.R. Furthermore, there were no adverse comments from any of the County reviewing agencies nor was there any opposition to the relief requested in both instances.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1994 that the Petition for Variance in Case No. 94-424-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

- 3 -

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-425-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (P.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21244

June 28, 1994 (410) 887-4386

Mr. & Mrs. Jeffrey M. Harmon
1738 Gordon Avenue
Baltimore, Maryland 21244

RE: PETITION FOR VARIANCE
N/S Gordon Avenue, 310' and 375' W of the c/l of Edwards Avenue
(1736 and 1738 Gordon Avenue)
1st Election District - 1st Councilmanic District
Jeffrey M. Harmon, et ux - Petitioners
Case Nos. 94-424-A and 94-425-A

Dear Mr. & Mrs. Harmon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: People's Counsel
File

Petition for Variance AND UNDERSIZED LOT to the Zoning Commissioner of Baltimore County for the property located at 1738 Gordon which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 To permit a front lot width of 52.5 ft. in lieu of the required 70 ft., a side yard setback of 12 ft. in lieu of the required 15 ft. and to approve an undersized lot per Section 304.2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Lot is 52 wide
Zoning said has to be 70 ft.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Owner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

(Use to solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.)

Legal Owner(s)

Jeffrey M. Harmon

[Signature]

Tracey E. Harmon

[Signature]

1738 Gordon Ave (Address)

Baltimore (City)

MD (State)

21244 (Zipcode)

[Signature] (Name, Address and phone number or representative to be contacted)

[Signature] (Name)

(410) 298-2380 (Phone No.)

[Signature] (Name)

(410) 298-2380 (Phone No.)

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

Printed with Recycled Paper

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 4-26-99 BY [Signature]

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1738 Gordon Ave (Address)

Election District 2ST Councilmanic District 2ST

Beginning at a point on the North side of Gordon Ave (north, south, east or west)

(street on which property fronts) which is 20 FT (number of feet of right-of-way width)

wide at a distance of 310 West (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Edward Ave (name of street)

which is 20 FT wide. *Being Lot # 39 (number of feet of right-of-way width)

Block Belmont Heights Section # in the subdivision of (name of subdivision)

as recorded in Baltimore County Plat

Book # Folio # containing

15000 (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber Folio and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E. 87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

7

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting 7/1/94

Posted for: Notice

Petitioner: J.M. & T.E. Harmon

Location of property: 1738 Gordon Ave, 3rd of Edwards Ave

Location of Sign: Posting received on property being zoned

Remarks:

Posted by: [Signature] Date of return: 7/27/94

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/12/94

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12/94

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

[Signature]
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21244, on June 10, 1994 at 8:00 a.m. in Room 108, County Office Bldg.

Case #94-424-A (Item #2)

1738 Gordon Avenue

1st Election District

1st Councilmanic District

Petitioner(s): Jeffrey M. Harmon and Tracey E. Harmon

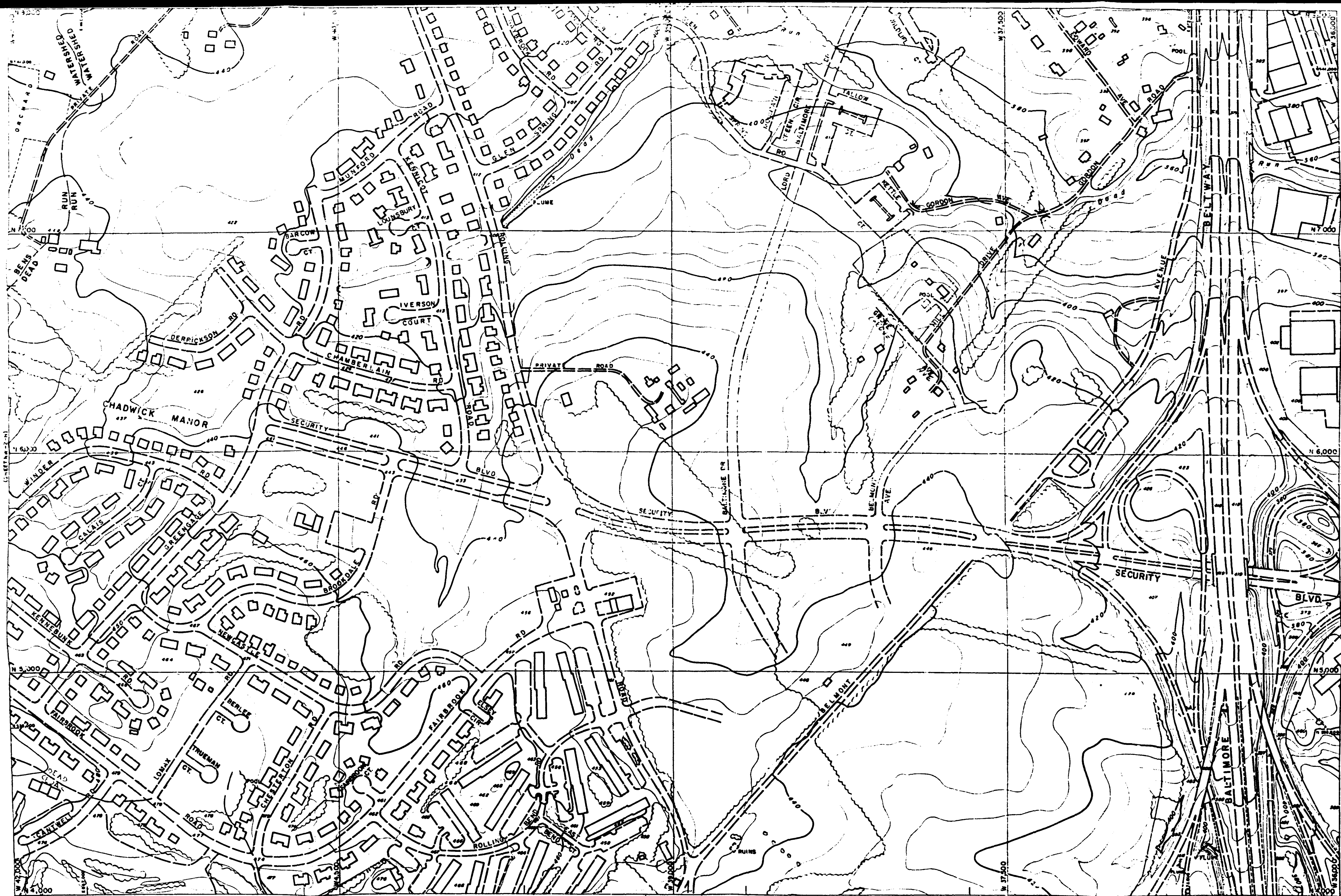
Hearing: Public

June 10, 1994 at 8:00 a.m. in Room 108, County Office Bldg.

variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for Special Circumstances. Please Call 887-3350 for information concerning the file and/or hearing. Please Call 887-3350 at 142 May 12.



L-SE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
Topographic	BY	DATE	1" = 200'	BELMONT	N. W. 2-G
	Mod.	4-11-70			
	Inc.	1-1-79	DATE OF PHOTOGRAPHY APRIL 1953		
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA					

20-11-70

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1738 Gordon Ave

See pages 5 & 6 of the CHECKLIST for additional required information.

Subdivision name: Belmont Heights

Plot books _____, folios _____, lots 39 sections _____

OWNER: Mr SEFF Harmon

EDWARD

E
AVE.

EX.
HOUSE

LOT 33

NORTHERLY 295.90'

PIPE LUNCH

i- PROPOSED
(26x40')
#1738

15' x 24'
WETLANDS
R-2B(1)

LOT 34

236.12'

LOT 40

EXISTING
#1736

SOUTHERLY 326.20'

LOT 41

Vacant lot #35

GORDON RD

GORDON RD

HILL GROUND

BELMONT

GORDON RD

Vicinity Map
Scale: 1"=100'

LOCATION INFORMATION

tion District: 1ST

nolmanic District: 1ST

30' scale map: NW 2-6

sq: DR 3.5

ize: 0.34 15600
acres square feet

SEWER: ☒ / ☐

WATER: ☒ / ☐

Chesapeake Bay Critical Area:

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

RT

408

North

date: 4/2/94

prepared by: [Signature]

Scale of Drawing: 1"= 50

94-425-A



Item Number: 408
Planner: RT
Date Filed: 4-26-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

Descriptions, including accurate beginning point
Actual address of property
Zoning
Acreage
Plats (need 12, only submitted)
200 scale zoning map with property outlined
Election district
Councilmanic district
SUZA section information and/or wording
Hardship/practical difficulty information
Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
Power of attorney or authorization for person signing for legal owner and/or contract purchaser
Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

TO: PUTNEY PUBLISHING COMPANY
May 12, 1994 Issue - Jeffersonian

Please forward billing to:

Jeff Harmon
1738 Gordon Avenue
Baltimore, Maryland 21204
290-2380

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-425-A (Item 408)
1738 Gordon Avenue
N/S Gordon Avenue, 375' W of c/l Edwards Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Jeffrey M. Harmon and Tracey E. Harmon
HEARING: FRIDAY, JUNE 10, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; and a combined side yard setback of 15 feet in lieu of the required 25 feet.

LAWRENCE E. SCHWEDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAY 5, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-425-A (Item 408)
1738 Gordon Avenue
N/S Gordon Avenue, 375' W of c/l Edwards Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Jeffrey M. Harmon and Tracey E. Harmon
HEARING: FRIDAY, JUNE 10, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; and a combined side yard setback of 15 feet in lieu of the required 25 feet.

Arnold Jablon
Director

cc: Jeffrey and Tracey Harmon

NOTES: (1) ZONING STICK AND POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 11, 1994

(410) 887-3353

Mr. and Mrs. Jeffrey M. Harmon
1738 Gordon Avenue
Baltimore, Maryland 21244

RE: Case No. 94-425-A, Item No. 408
Petitioner: Jeffrey M. Harmon, et ux.
Petition for Variance

Dear Mr. and Mrs. Harmon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 26, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 16, 1994
Item No. 408

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for this site it will be subject to the Development Regulations, Divisions #3, 4 and 5 for a minor subdivision. See Item #407 (#1738 Gordon Avenue).

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-6-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 408 (RT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. ENEMY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 18, 1994
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Amy L. Kern

PK/JL:lw

ZAC, 401/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 403, 404, 405, 407, 408, 409, 410, 412, 413, AND 416.

RECEIVED
MAY 6 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Optimum Ink
on Recycled Paper

IN RE: PETITION FOR VARIANCE
N/S Gordon Avenue, 310' and 375'
W of the c/l of Edwards Avenue
(1738 and 1736 Gordon Avenue)
1st Election District
1st Councilmanic District
Jeffrey M. Harmon, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 94-424-A and
94-425-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 1738 and 1736 Gordon Avenue, located in the Belmont Heights subdivision in western Baltimore County. The Petitions were filed by the owners of the properties, Jeffrey M. and Tracey E. Harmon. In Case No. 94-424-A, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue. In Case No. 94-425-A, the Petitioners seek relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a front lot width of 52.5 feet in lieu of the required 70 feet, and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petition were Jeffrey M. Harmon, owner of the properties, and John Harmon. There were no Protestants present.

Testimony and evidence presented revealed that both properties consist of 0.34 acres each, more or less, zoned D.R. 3.5. The property

known as 1738 Gordon Avenue is presently unimproved. The Petitioners are desirous of developing this lot with a one-story dwelling for Mr. Harmon's parents. However, because the width of the lot in the front portion of the site is only 52.5 feet, the requested variance from lot width requirements is necessary. Testimony indicated that the Petitioners discussed their plans to develop this lot with their neighbors and that no one had any objections. Further testimony revealed that the Petitioners reside on the adjacent property, known as 1736 Gordon Avenue, which is also 52.5 feet wide. The variance relief sought for this property is necessary in order to legalize existing conditions on the site. It should be noted that there was no opposition to the relief requested, nor were there any adverse comments received from any Baltimore County reviewing agency.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

It is clear from the testimony that if the variances are granted, the use proposed will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare and are in strict harmony with the spirit and intent of the B.C.Z.R. Furthermore, there were no adverse comments from any of the County reviewing agencies nor was there any opposition to the relief requested in both instances.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1994 that the Petition for Variance in Case No. 94-424-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

- 3 -

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-425-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TWK:bjs

Timothy W. Kotroco
TIMOTHY W. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 4 -



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1736 Gordon Ave
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 to permit a front lot width of 52.5 ft. in lieu of the required 70 ft. and a combined side yard setback of 15 ft. in lieu of required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Lot is 52 ft wide
Must be 70 FT

Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner

(Type or Print Name)

Signature

Address

City

State

Zip Code

Witness for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

(Type or Print Name)

Signature

Address

City

State

Zip Code

Witness for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

ESTIMATED LENGTH OF HEARING

the following date

ALL OTHER

PRINTED BY: R.T. DATE: 6-26-94

ITEM 408

EXAMPLE 3 - Zoning Description

- 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1738 Gordon Ave
(address)
Election District 2ST Councilmanic District 1ST

Beginning at a point on the North side of
(north, south, east or west)
Gordon Ave which is 20 FT
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 375 West of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Edwards Ave
(name of street)

which is 20 FT wide. *Being Lot # 40
(number of feet of right-of-way width)

Block Below Heights Section # 1 in the subdivision of
(name of subdivision) as recorded in Baltimore County Plat

Book # 15000 Folio # 1, containing
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber MD Folio 71244" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

ITEM 408

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 6/21/94

Posted for: Variance

Petitioner: J. M. & T. E. Harmon

Location of property: 1736 Gordon Ave, N/S, 375' W of Edwards Ave

Location of Sign: Posting road sign, on property being zoned

Remarks:

Posted by: Jeffrey M. Harmon Date of return: 6/23/94

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 500 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 94-425-A (Item 408)
1736 Gordon Avenue, 375' W of Edwards Avenue
1st Election District
1st Councilmanic District
Petitioners: Jeffrey M. Harmon and Tracey E. Harmon
Hearing Friday, June 10, 1994 at 5:00 a.m. in Room 106, County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet, and a combined side yard setback of 15 feet in lieu of the required 25 feet.

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held on Wednesdays, for special circumstances. Please call 887-3553 for information concerning the hearing. Please call 887-3553 May 12.

CERTIFICATE OF PUBLICATION

94-425-A

TOWSON, MD., 5/12, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12, 1994.

THE JEFFERSONIAN,
A. Hemminger
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 4-26-94

J. HARMON

1736 Gordon Ave.

CIO - VARIANCE - \$150.00
OSD - SIGN - \$135.00
TOTAL - \$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

94-425-A
receipt

Account: R 071-6150

Number 408

R.T.

\$95.00

Q4.42A.A

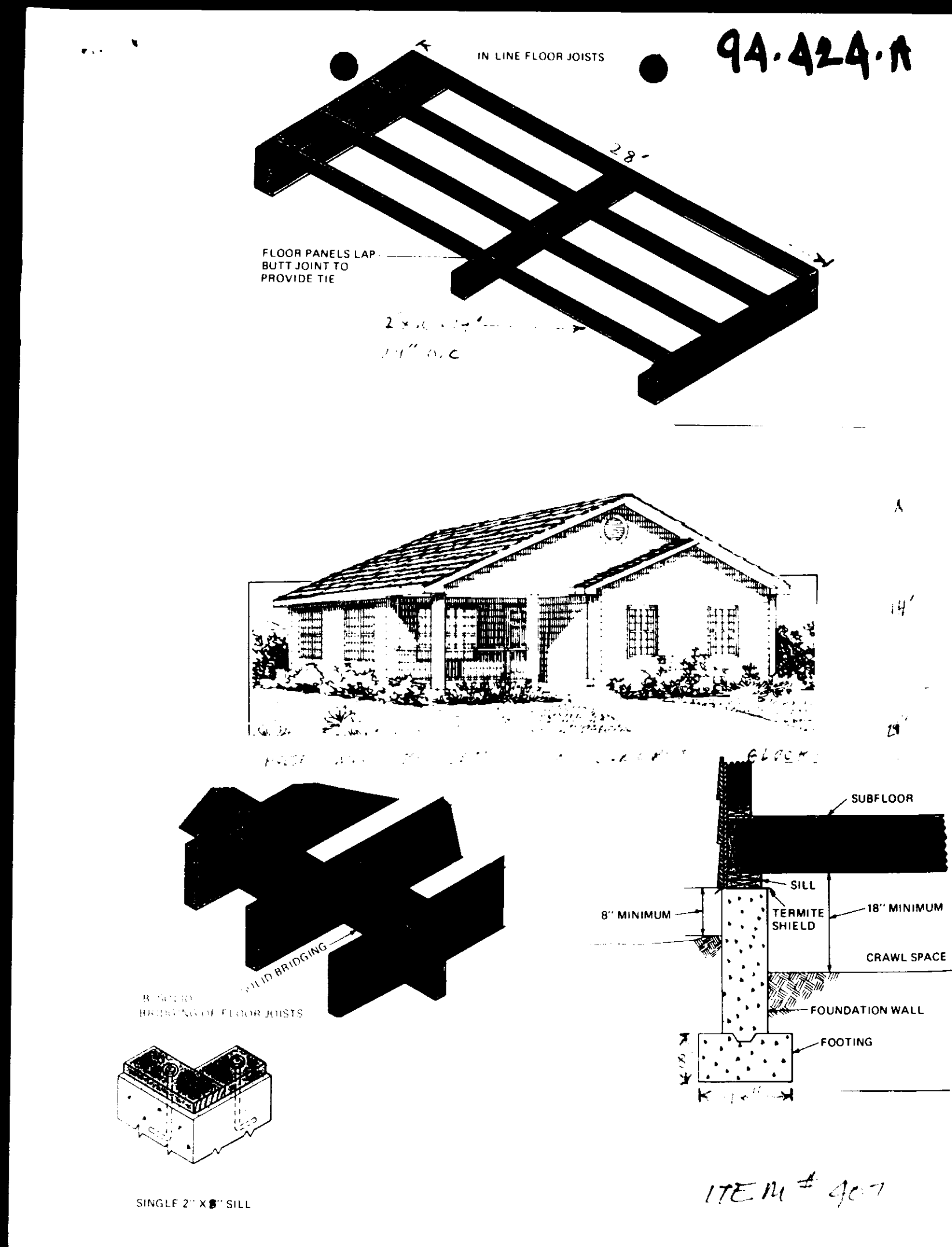


L-SE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE
BY	DATE	1" = 200'
Topographic	Maps, 4-11-70 Inc. L-2	
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.		DATE OF PHOTOGRAPHY APRIL 1953

LOCATION	SHEET
BELMONT	N. W.
ITEM # 407	2-G



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1738 Gordon Ave

Subdivision name: Belmont Heights

plat book # 1010

OWNER: Mr. Jeff Harmon

LOT 33

LOT 39

LOT 40

LOT 41

NORTHERLY 295.90'

WESTERLY 100.00'

SOUTHERLY 326.20'

EDWARD AVE.

1738

1736

VACANT LOT

94-424-A

Scale of Drawing: 1" = 50'

North

date: 1/2/94

prepared by: R.T.

LOCATION INFORMATION

Location District: 1ST

Planning District: 1ST

30' scale map: NW 2-6

19: DR 3.5

1000 square feet

Chesapeake Bay Critical Area:

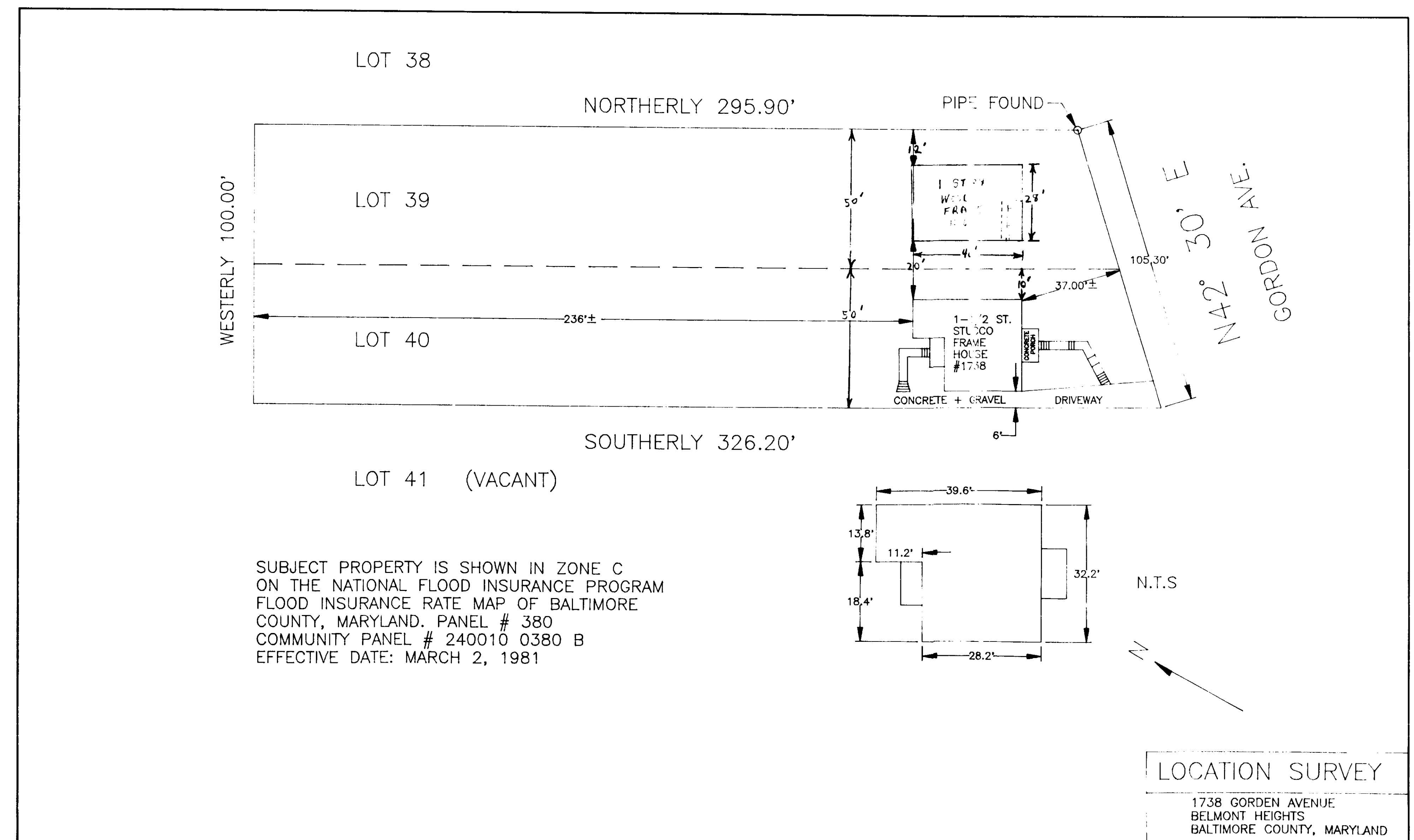
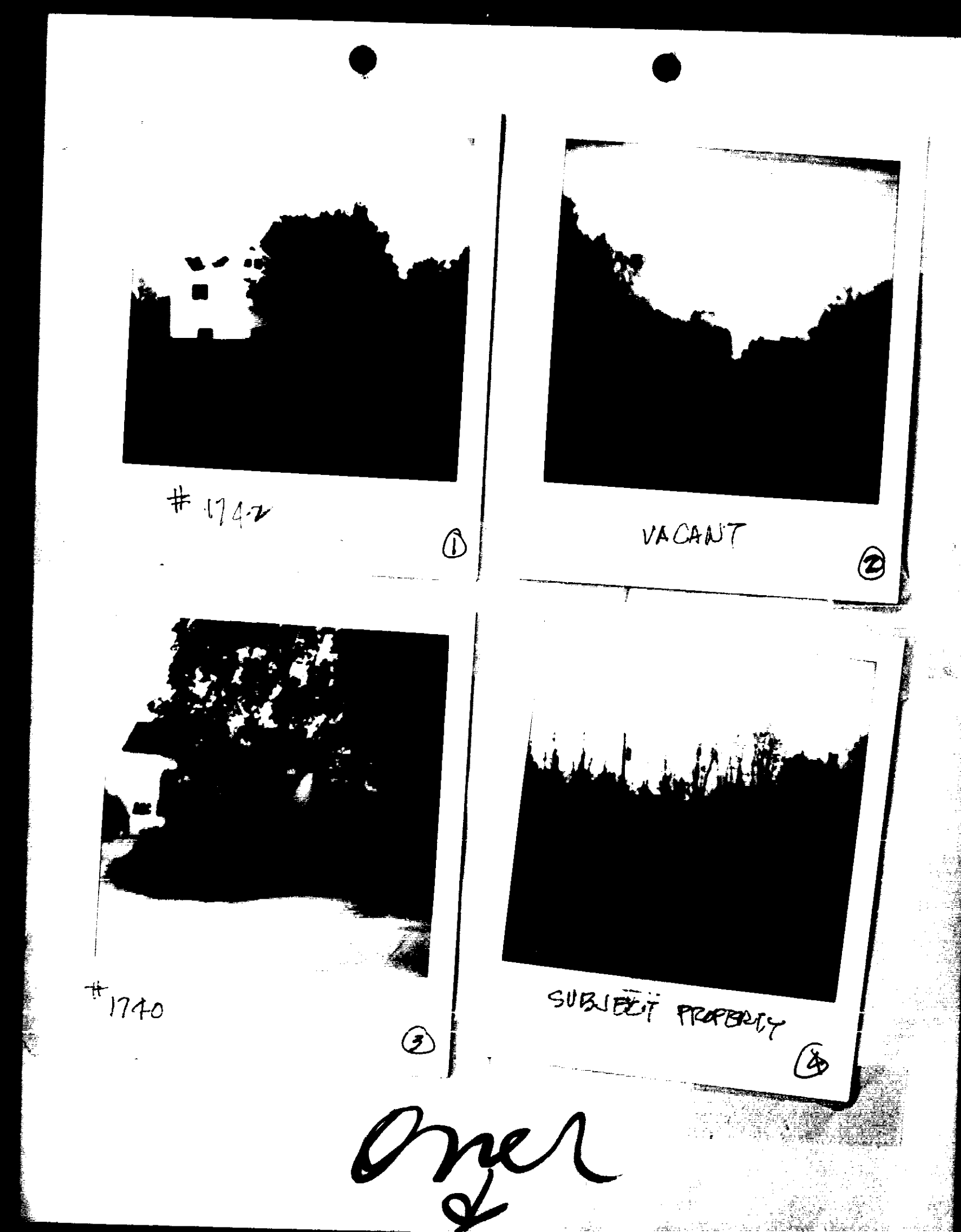
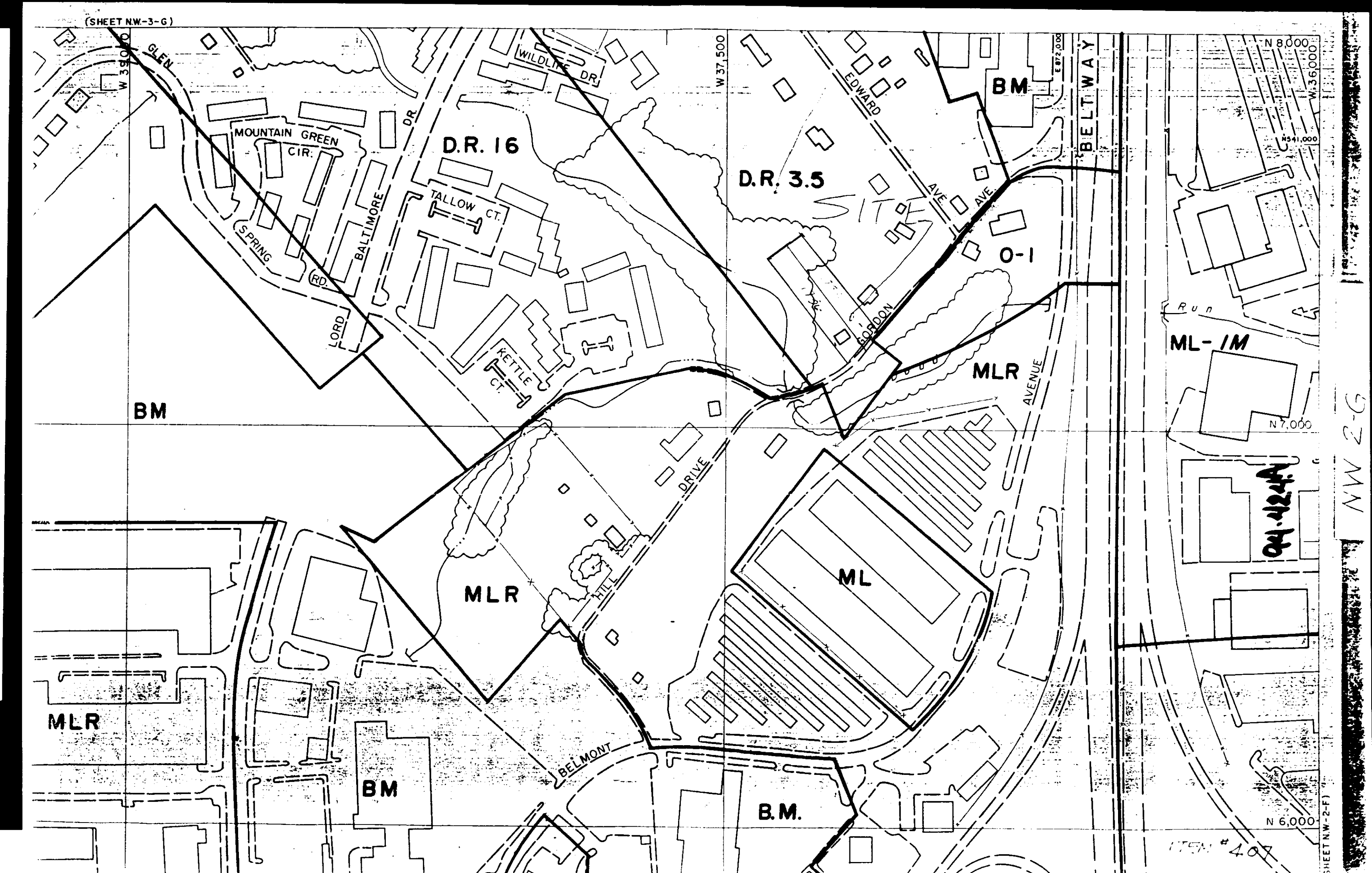
Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: R.T.

ITEM #: 407

CASE #:



94-424-A

94-424-A receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Account: R01-6150
Number: 407
RT.

Date: 4-26-94
J. HARMON
1738 Gordon Ave.

CIO - VARIANCE - \$ 50.00
CSO - PLAN - \$ 35.00
TOTAL - \$ 85.00

0140140021CNICHR
6-4 P01250P004-26-94
\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

94-424-A

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 407-4408
Petitioner: JEFF HARMON
Location: 1738 Gordon Ave
PLEASE FORWARD ADVERTISING BILL TO:
NAME: JEFF HARMON
ADDRESS: 1738 Gordon Ave
Baltimore Maryland 21204
PHONE NUMBER: 410-298-2380

MUST BE SUPPLIED

94-424-A

Item Number: 407
Planner: RT
Date Filed: 4-26-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acresage
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PEP-FLAG (TEXTSOPH)
11/17/93

94-424-A

TO: PETITIONER PUBLISHING COMPANY
May 12, 1994 Issue - Jeffersonian

Please forward billing to:
Jeff Harmon
1738 Gordon Avenue
Baltimore, Maryland 21204
298-2380

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-424-A (Item 407)
1738 Gordon Avenue
W/S Gordon Avenue, 310' W of c/A Edwards Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Jeffrey M. Harmon and Tracey E. Harmon
HEARING: FRIDAY, JUNE 10, 1994 at 9:00 a.m. Rm. 106 County Office Bldg.

Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; a side yard setback of 12 feet in lieu of the required 15 feet; and to approve an undersized lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, PLEASE CALL 887-3391.

94-424-A

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

MAY 5, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet; a side yard setback of 12 feet in lieu of the required 15 feet; and to approve an undersized lot.

Arnold Jablon
Director

cc: Jeffrey and Tracey Harmon

ATTN: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

94-424-A

Baltimore County Government
Fire Department
760 East Joppa Road Suite 901
Towson, MD 21206-5500 (410) 887-4500

DATE: 05/05/94

Arnold Jablon
Director
Zoning Administration
and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 603,604,605,607,608, 609,610,612,613, AND 616.

RECEIVED
MAY 6 1994
ZADM

REVIEWER: LT. ROBERT P. ZAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

94-424-A

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Eileen McDaniel
County Courts Bldg, Rm 406
401 Bayley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Jeffrey Mark Harmon 1738 Gordon Ave 410-298-2380

Lot Address: Same Election District: 357 Council District: 357 Square Feet: 1500

Lot Location: 1738 W / side / corner of Gordon Ave, 310 feet from E E corner of Edwards Ave

Lead Owner: Jeffrey Mark Harmon Text Account Number: 01-07-290310

Address: 1738 Gordon Ave Telephone Number: 410-298-2380

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

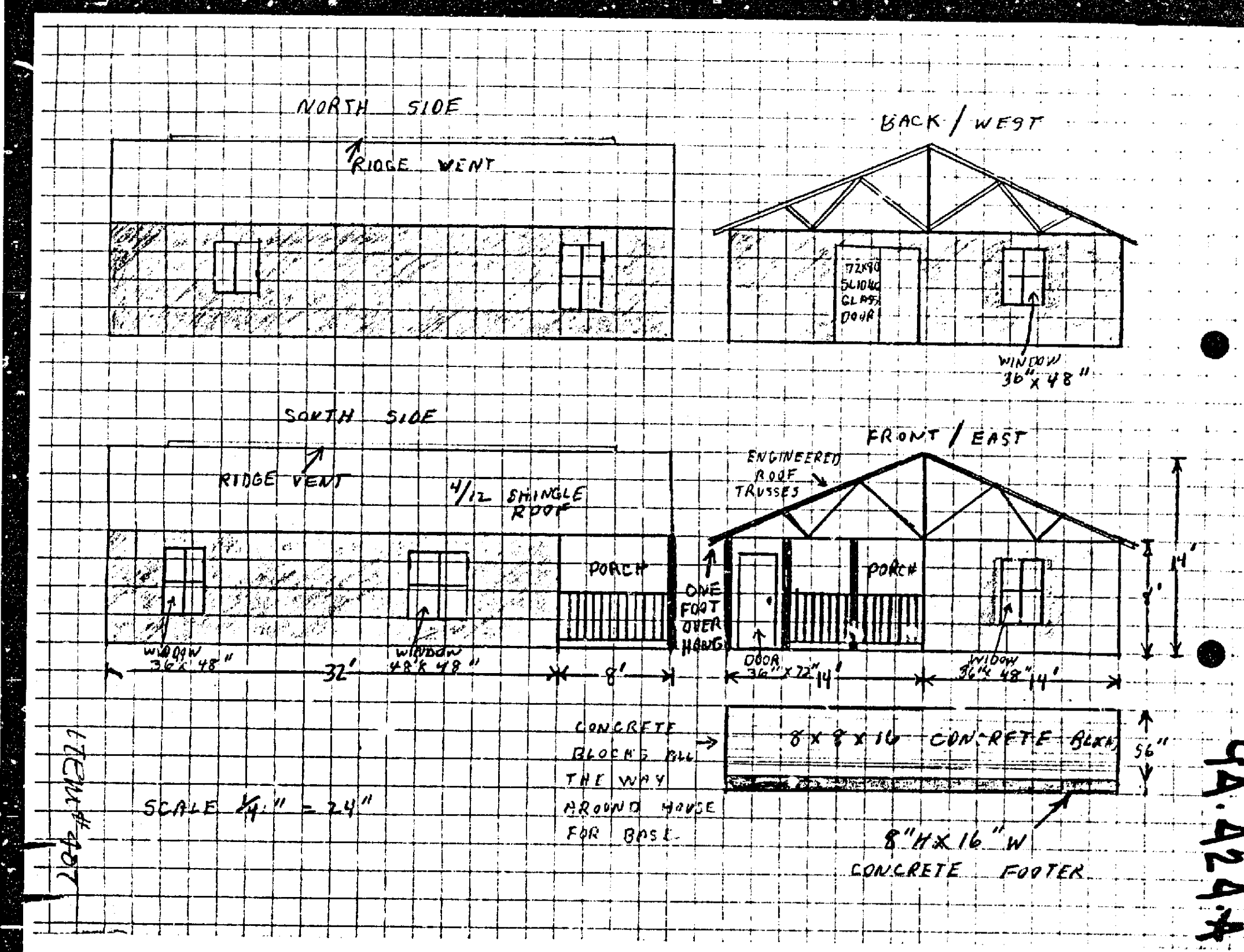
	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in file 204 C.B.3) (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevations Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (taken latest at planer's office)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECOMMENDATIONS/COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed By: _____ For the Director, Office of Planning & Zoning

Date: _____



IN RE: PETITION FOR VARIANCE
N/S Gordon Avenue, 310' and 375'
W of the c/l of Edwards Avenue
(1738 and 1736 Gordon Avenue)
1st Election District
1st Councilmanic District
Jeffrey M. Harmon, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 94-424-A and
94-425-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 1738 and 1736 Gordon Avenue, located in the Belmont Heights subdivision in western Baltimore County. The Petitions were filed by the owners of the properties, Jeffrey M. and Tracey E. Harmon. In Case No. 94-424-A, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue. In Case No. 94-425-A, the Petitioners seek relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a front lot width of 52.5 feet in lieu of the required 70 feet, and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petition were Jeffrey M. Harmon, owner of the properties, and John Harmon. There were no Protestants present.

Testimony and evidence presented revealed that both properties consist of 0.34 acres each, more or less, zoned D.R. 3.5. The property

known as 1738 Gordon Avenue is presently unimproved. The Petitioners are desirous of developing this lot with a one-story dwelling for Mr. Harmon's parents. However, because the width of the lot in the front portion of the site is only 52.5 feet, the requested variance from lot width requirements is necessary. Testimony indicated that the Petitioners discussed their plans to develop this lot with their neighbors and that no one had any objections. Further testimony revealed that the Petitioners reside on the adjacent property, known as 1736 Gordon Avenue, which is also 52.5 feet wide. The variance relief sought for this property is necessary in order to legalize existing conditions on the site. It should be noted that there was no opposition to the relief requested, nor were there any adverse comments received from any Baltimore County reviewing agency.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

- 2 -

It is clear from the testimony that if the variances are granted, the use proposed will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare and are in strict harmony with the spirit and intent of the B.C.Z.R. Furthermore, there were no adverse comments from any of the County reviewing agencies nor was there any opposition to the relief requested in both instances.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1994 that the Petition for Variance in Case No. 94-424-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., for an existing dwelling at 1738 Gordon Avenue in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

- 3 -

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-425-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (P.C.Z.R.) to permit a front lot width of 52.5 feet in lieu of the required 70 feet and a combined side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling at 1736 Gordon Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21244

June 28, 1994 (410) 887-4386

Mr. & Mrs. Jeffrey M. Harmon
1738 Gordon Avenue
Baltimore, Maryland 21244

RE: PETITION FOR VARIANCE
N/S Gordon Avenue, 310' and 375' W of the c/l of Edwards Avenue
(1736 and 1738 Gordon Avenue)
1st Election District - 1st Councilmanic District
Jeffrey M. Harmon, et ux - Petitioners
Case Nos. 94-424-A and 94-425-A

Dear Mr. & Mrs. Harmon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: People's Counsel
File

Petition for Variance AND UNDERSIZED LOT to the Zoning Commissioner of Baltimore County for the property located at 1738 Gordon which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 To permit a front lot width of 52.5 ft. in lieu of the required 70 ft., a side yard setback of 12 ft. in lieu of the required 15 ft. and to approve an undersized lot per Section 304.2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Lot is 52 wide
Zoning said has to be 70 ft.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Owner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

(Use to solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.)

Legal Owner(s)

Jeffrey M. Harmon

[Signature]

Tracey E. Harmon

[Signature]

1738 Gordon Ave (Address)

Baltimore (City)

MD (State)

21244 (Zipcode)

[Signature] (Name)

(410) 298-2380 (Phone No.)

[Signature] (Name)

(410) 298-2380 (Phone No.)

[Signature] (Name)

ORDER RECEIVED FOR FILING

Date 6/28/94
By [Signature]

Printed with Copyrite: Use on Recycled Paper

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 4-26-99 BY [Signature]

17E1#41

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1738 Gordon Ave
(Address)
Election District 2ST Councilmanic District 2ST

Beginning at a point on the North side of Gordon Ave
(north, south, east or west) (street on which property fronts)

which is 20 FT wide at a distance of 310 West of the centerline of the nearest improved intersecting street Edward Ave
(number of feet) (north, south, east or west) (name of street)

which is 20 FT wide. *Being Lot # 39
(number of feet of right-of-way width)

Block Belmont Heights Section 1 in the subdivision of Belmont Heights
(name of subdivision) as recorded in Baltimore County Plat

Book # 15000 Folio # 15000 containing 15000
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 100 Folio 100" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 13' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

7

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting 7/1/94
Posted for: Notice
Petitioner: J.M. & T.E. Harmon
Location of property: 1738 Gordon Ave, 3rd of Edwards Ave
Location of Sign: Posting received on property being zoned
Remarks: [Signature]
Posted by: [Signature] Date of return: 7/1/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/12/94
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12/94

THE JEFFERSONIAN,
A. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21244, on June 10, 1994 at 8:00 a.m. in Room 108, County Office Bldg.

Case #94-424-A
(Item 407)
1738 Gordon Avenue
1736 Gordon Avenue, 310'
W of Edwards Avenue
1st Election District
1st Councilmanic District
Jeffrey M. Harmon and
Tracey E. Harmon
Hearing: Friday
June 10, 1994 at 8:00
a.m. in Room 108, County Office Bldg.

variance to permit a front lot width of 52.5 feet in lieu of the required 70 feet, a side yard setback of 12 feet in lieu of the required 15 feet, and to approve an undersized lot.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, please call 887-3350. Information concerning the file and/or hearing, please call 887-3391 or 887-3350 on May 12.